UNITED STATES PATENT AND TRADEMARK OFFICE

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10/609,051	06/27/2003	David Konetski	016295.1384	6910

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 June 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED OFFICE ACTION

1.   This communication is responsive to the application filed on June 04, 2007.

Claims 1-25 remain for examination.

Claim Rejections - 35 USC §102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-4, 6-9, 11-21, and 23-25, are rejected under 35 U.S.C. 102(e) as being

anticipated by **Chaddha et al.,** (referred hereinafter as Chaddha) U.S. Patent No.

6,173,317.

4.   As to claim 8, Chaddha teaches a method for providing media content to a user

associated with a thin media client, comprising the steps of:

receiving from the user a request for media content, the media content requested

by the user comprising at least two instances of media content (col. 2, lines 38-47);

retrieving the at least two instances of media content (col. 2, lines 26-36);

pre-processing the at least two instances of media content to create a combined

data stream of digital media (col. 6, lines 13-21);

transmitting the combined data stream to the thin media client (col. 2, lines 62-67); and

rendering the combined data stream at the thin media client to provide the media content of the data stream to the user (col. 2, lies 26-37), wherein the thin media client is not responsible for performing any pre-processing functions related to the data stream (see Fig. 9, wherein the client computer element 240 is not responsible for pre-processing functions related to the data stream because it's already processed).

5.   As to claim 9, Chaddha teaches the method for providing media content to a user associated with a thin media client of claim 8, wherein the at least two instances of media content comprise at least two instances of digital video (col. 2, lines 38-47).

6.   As to claim 11, Chaddha teaches the method for providing media content to a user associated with a thin media client of claim 8, wherein the at least two instances of media content comprise a digital video data stream having an audio component and an audio-only data stream (col. 6, lines 13-21).

7.   As to claim 12, Chaddha teaches the method for providing media content to a user associated with a thin media client of claim 11, wherein the step of pre-processing comprises the steps of:

attenuating the audio component from the digital video data stream (col. 6, lines 13-21); and combining the resulting digital video data stream with the audio-only data stream (col. 6, lines 13-21).

8.   As to claim 13, Chaddha teaches the method for providing media content to a

user associated with a thin media client of claim 8, wherein the step of retrieving the at

least two instances of media content comprises the step of retrieving at least one

instance of media content from the Internet (col. 5, lines 10-28).

9.   As to claim 14, Chaddha teaches the method for providing media content to a

user associated with a thin media client of claim 8, wherein the step of retrieving the at

least two instances of media content comprises the step of retrieving at least one

instance of media content from a media storage device (col. 5, lines 40-53).

10.   As to claim 15, Chaddha teaches the method for providing media content to a

user associated with a thin media client of claim 8, wherein the step of retrieving the at

least two instances of media content comprises the step of retrieving at least one

instance of media content from a home appliance (col. 5, lines 40-53).

11.   As to claim 16, Chaddha teaches the method for providing media content to a

user associated with a thin media client of claim 8, wherein the step of retrieving the at

least two instances of media content comprises the step of retrieving at least one

instance of media content from a video camera (col. 5, lines 40-53).

12.   As to claim 17, Chaddha teaches the method for providing media content to a

user associated with a thin media client of claim 10, wherein the source of at least one

instance of the two instances of digital video is a video camera (col. 5, lines 40-53).

13.   Claims 1-4, 6-7, 18-21 and 23-25 contain similar limitation as claims 8-9, and 11-

17; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

15.   Claims 5, 10, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Chaddha et al.,** (referred hereinafter as Chaddha) U.S. Patent No. **6,173,317** and

in view of **Smyth et al.,** (Hereinafter referred to as Smyth) U.S. Patent No. **7,007,098.**

Chaddha teaches the claimed invention as described invention, however

Chaddha does not explicitly teach wherein the step of pre-processing comprises the

step of combining the at least two instances of digital video into a combined data stream

in picture-in-picture format.

Smyth teaches a method of controlling video signals in a multi-participant video

conference which involves assessing the level of video signal required from each

participant to mix the desired broadcast video signals, and using the result of this

assessment to dynamically control the video output from the endpoints of the

conference participants to handle multiple video streams, the MP may also choose a

mixing strategy, where the mixing takes the form of combining the video streams from

all participants into a "picture-in-picture" image, containing reduced images of all

conference participants, and then transmitting this combined image to each endpoint, so

that all participants may be viewed from each desktop (see abstract and col. 2, lines 8-

17).

It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to incorporate the teaching of Smyth into the invention of Chaddha

in order to reduce the amount of images that are displayed at a client device.

16.   EXAMINER NOTE: Examiner has cited particular columns and line numbers in

the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in its entirety as potentially teaching of all or

part of the claimed invention, as well as the context of the passage as taught by the

prior art or disclosed by the examiner.

Response to Arguments

17.   Applicant's arguments filed 06/04/2007 have been fully considered but they are

not persuasive.

18.   As per applicant argument "*Additional pre-processing tasks performed by the

data processing device, and not by the thin media client, include decoding, decryption,

encryption, attenuation, and amplification of data streams that are transmitted to a thin

media client for rendering*"

Examiner response:

The above features upon which applicant relies are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

19.   As per applicant argument *"In contrast to the present invention, Chaddha fails to*

teach or disclose a thin media client that is not responsible for performing any pre-

processing functions related to the data stream transmitted to the thin client.

Specifically, the client computer 240 of Chaddha is **responsible** *for performing pre-*

processing functions related to a data stream transmitted to the client computer.

The client computer 240 of Chaddha contains video/audio decoders 964 and an

annotation interpreter 963 in a client module 960, clearly indicating that the client

computer performs pre-processing functions related to the data stream. (Figure 9)

Chaddha states, "... client module 960 is now loaded over web browser 950 for

processing video/audio and *annotation streams (step 1020)." (8:14-18, emphasis*

added) Additionally, encoded **video/audio streams are decoded** *by client computer*

decoder 964 in step 1040. (Figures 9 and 10, 8:60-64) Chaddha states that event data

and event locator contents of annotation frames are "simply arguments to be passed on

to client computer 240 to be **processed** *by client computer 240." (9:14-17) It is clear*

that the client computer of Chaddha performs various processing and decoding tasks

associated with the video/audio streams"

Examiner response:

The examiner disagrees, the client computer 240 is mainly for displaying the

video frames and displayable events in a video window and event windows (see col. 2,

lines 63-67) not for pre-processing. As evidence, by fig. 9 of the prior art, client

computer (element 240) receives video streams from streaming server and its main duty

is to display the received data. Therefore, the streams are already processed when they

arrived at the displaying station (240). Thus, no preprocessing is needed at the client

computer (element 240).

The client computer is not responsible for performing any pre-processing

functions related to the data streams; the pre-processing is done in the producer,

element 215 Fig. 3 and col. 5, lines 55-65 of the cited reference.

Furthermore with regards to the argument *"Chaddha fails to teach or disclose a*

thin media client that is not responsible for performing any pre-processing functions

related to the data stream transmitted to the thin client", one of ordinary skill in the art

would recognize that this argument does not make logical sense because the data

stream is transmitted to the thin client (computer client as recited in the reference) as

argued. Thus, why would the thin client (computer client) pre-process the functions

related to the data stream? Or why would the data stream is transmitted to the thin

client if the thin client (client compute) is pre-processing functions related to the data

streams? Therefore, as clearly explained in the reference the producer element 215

does the pre-processing and the thin client (computer client) receives the data stream.

20.   As per applicant argument "*The client computer of Chaddha does not provide the*

advantages of the thin media client of the present invention, namely those of the

reduced processing power and bandwidth requirements for the thin media client"

Examiner response:

The above features upon which applicant relies are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shawki S. Ismail whose telephone number is 571-272-

3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
December 22, 2006

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER